

### REMARKS

In the Office Action dated September 14, 2005, claims 1 and 4-17 were presented for examination. Claims 1 and 4-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Wright*, U.S. Publication No. 2001/0027449 in view of a non-patent referenced titled "Dialog's Dial Units: A Price Increase in Sheep's Clothing", hereinafter referred to as *Dialog*.

The following remarks are provided in support of the pending claims and responsive to the Office Action of September 14, 2005 for the pending application.

#### **I. Examiner Interview**

On December 14, 2005, Examiner Karmis, his Primary Examiner, and Applicants' Attorney met for an Examiner's Interview. During the interview, the pending claims were discussed together with the art cited by the Examiner in the outstanding Office Action. More specifically, the discussion included the difference between the prior art and Applicants' invention and proposed claim amendments to further support the differentiation. The proposed amendment included language pertaining to calculating user fees for both time logged and functions accessed, as well as changing function weights based upon empirical data. Although an agreement was not reached, it was suggested by the Examiners that an amendment be submitted together with a citation to the portions of the Specification that support the amendment(s).

#### **II. Rejection of Claims 1 and 4-17**

In the Office Action of September 14, 2005, the Examiner assigned to the application rejected claims 1 and 4-17 under 35 U.S.C. §103(a) as being unpatentable over *Wright* in view of *Dialog*.

Applicants' remarks pertaining to *Wright* in the Response filed in conjunction with the RCE are hereby incorporated by reference.

The *Dialog* publication discloses a method of searching a database with a DialUnit, to allow a user to search online without incurring additional expenses. "The DialUnit charge simply replaces the (presumably equivalent) connecttime charge that users used to incur under Dialog Classic." page 58, column 2, 2<sup>nd</sup> paragraph. Based upon the article it appears that Dialog has introduced a tool that replaces tracking of time for invoicing users of the database.

Applicant has amended claims 1, 6, and 11 and has added claims 18-20 to further define the invention in view of the prior art. With respect to claims 1, 6, and 11, Applicants have placed language into the claims that specify the usage that is being tracked to calculate fees. More specifically, Applicants have placed language into the claims indicating that the fees for a segment are calculated based upon both the amount of time the user is logged on and the functions that are accessed by the user. Support for this amendment can be found on Page 5, lines 30-31 of the Specification. In addition, Applicants have added claims 18-20 to further define the invention. Support for claims 18-20 can be found on page 5, lines 13-16.

Both *Wright* and *Dialog* pertain to billing users of a database or computer network for connection thereto. In fact, both of these prior art references relate to access of functions and billing a user based upon function access. However, there is no teaching in *Wright* for calculating a fee based upon a duration of time the user has access a computer network or database and for calculating a fee based upon functions accessed by the user. Similarly, there is no teaching in the *Dialog* usage of Dial Units to calculate a fee based upon time as well as Dial Units. "To establish a prima facie case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." MPEP §2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Based upon Applicants' amendment to the claims, it is clear that neither *Wright* nor *Dialog* teach separate calculations based upon both time and functions accessed. Accordingly, removal of the rejection of claims 1 and 4-17 under 35 U.S.C. §103(a) is respectfully requested.

### III. Conclusion

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner indicate allowability of claims 1 and 4-20, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

In light of the foregoing amendments and remarks, all of the claims now presented are in condition for allowance, and Applicants respectfully request that the outstanding rejections be withdrawn and this application be passed to issue.

Respectfully submitted,

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Date: December 14, 2005